

MESSAGE NO: 0151201

MESSAGE DATE: 05/30/2000

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: COR

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE 0146201
MESSAGE #
(s):

CASE #(s): A-580-839

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 05/25/2000 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: CORRECTION OF MESSAGE 0146201 ON 5/25/00 ON ADD ORDER AND FINAL DETERMINATION OF POLYESTER STAPLE FIBER FROM KOREA (A-580-839)

MESSAGE NO: 0151201

DATE: 05 30 2000

CATEGORY: ADA

TYPE: COR

REFERENCE: 0146201

REFERENCE DATE: 05 25 2000

CASES: A - 580 - 839

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PERIOD COVERED: 05 25 2000 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: CORRECTION OF MESSAGE 0146201 ON 5/25/00 ON ADD ORDER AND FINAL DETERMINATION OF POLYESTER STAPLE FIBER FROM KOREA (A-580-839)

1. ON MAY 25, 2000, THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ITS ANTIDUMPING DUTY ORDER AND AMENDED FINAL DETERMINATION IN THE INVESTIGATION OF CERTAIN POLYESTER STAPLE FIBER FROM THE REPUBLIC OF KOREA ("KOREA"). THIS IS AN AMENDMENT OF MESSAGE 0095202 ON APRIL 4, 2000. THIS IS A CORRECTION OF MESSAGE 0146201, ON 5/25/2000, OF EFFECTIVE DATE IN PARAGRAPH 1 AND 7.

2. THE PRODUCT COVERED BY THIS ORDER IS CERTAIN POLYESTER

STAPLE FIBER ("PSF"). CERTAIN POLYESTER STAPLE FIBER IS DEFINED AS SYNTHETIC STAPLE FIBERS, NOT CARDED, COMBED OR OTHERWISE PROCESSED FOR SPINNING, OF POLYESTERS MEASURING 3.3 DECITEX (3 DENIER, INCLUSIVE) OR MORE IN DIAMETER. THIS MERCHANDISE IS CUT TO LENGTHS VARYING FROM ONE INCH (25 MM) TO FIVE INCHES (127 MM). THE MERCHANDISE SUBJECT TO THIS ORDER MAY BE COATED, USUALLY WITH A SILICON OR OTHER FINISH, OR NOT COATED. PSF IS GENERALLY USED AS STUFFING IN SLEEPING BAGS, MATTRESSES, SKI JACKETS, COMFORTERS, CUSHIONS, PILLOWS, AND FURNITURE. MERCHANDISE OF LESS THAN 3.3 DECITEX (LESS THAN 3 DENIER) CLASSIFIED UNDER THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES ("HTSUS") AT SUBHEADING 5503.20.00.20 IS SPECIFICALLY EXCLUDED FROM THIS ORDER. ALSO SPECIFICALLY EXCLUDED FROM THIS ORDER ARE POLYESTER STAPLE FIBERS OF 10 TO 18 DENIER THAT ARE CUT TO LENGTHS OF 6 TO 8 INCHES (FIBERS USED IN THE MANUFACTURE OF CARPETING). IN ADDITION, LOW-MELT PSF IS EXCLUDED FROM THIS ORDER. LOW-MELT PSF IS DEFINED AS A BI-COMPONENT FIBER WITH AN OUTER SHEATH THAT MELTS AT A SIGNIFICANTLY LOWER TEMPERATURE THAN ITS INNER CORE.

THE MERCHANDISE SUBJECT TO THIS ORDER IS CLASSIFIED IN THE HTSUS AT SUBHEADINGS 5503.20.00.40 AND 5503.20.00.60. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THIS ORDER IS DISPOSITIVE.

3. ON MAY 15, 2000, IN ACCORDANCE WITH SECTION 735(D) OF THE ACT, THE U.S. INTERNATIONAL TRADE COMMISSION ("ITC") NOTIFIED THE DEPARTMENT OF COMMERCE THAT AN INDUSTRY IN THE UNITED STATES IS " MATERIALLY INJURED," WITHIN THE MEANING OF SECTION 735(B)(1)(A) OF THE ACT, BY REASON OF LESS-THAN-FAIR-VALUE IMPORTS OF PSF FROM KOREA. IN ITS FINAL DETERMINATION, HOWEVER, THE ITC DETERMINED THAT TWO DOMESTIC LIKE PRODUCTS EXIST FOR MERCHANDISE COVERED BY THE DEPARTMENT'S INVESTIGATION: (1) LOW-MELT PSF AND (2) ALL OTHER TYPES OF PSF NOT SPECIFICALLY EXCLUDED. THE ITC DETERMINED PURSUANT TO SECTION 735(B)(1) THAT A DOMESTIC INDUSTRY IN THE UNITED STATES IS NOT MATERIALLY INJURED OR THREATENED WITH MATERIAL INJURY BY REASON OF IMPORTS OF LOW-MELT PSF FROM KOREA. ACCORDINGLY, THE SCOPE OF THIS ANTIDUMPING DUTY ORDER HAS BEEN AMENDED FROM THAT USED IN THE INVESTIGATION TO EXCLUDE LOW-MELT

PSF.

4. FIELD OFFICES SHOULD DISCONTINUE SUSPENSION OF LIQUIDATION OF ALL SHIPMENTS OF LOW-MELT POLYESTER STAPLE FIBER ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER NOVEMBER 8,

1999. ALL ESTIMATED ANTIDUMPING DUTIES DEPOSITED ON ENTRIES OF LOW-MELT POLYESTER STAPLE FIBER SHALL BE REFUNDED AND THE BONDS OR OTHER SECURITY RELEASED AT THE TIME OF LIQUIDATION. INTEREST PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930 DO NOT APPLY.

5. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-580-839.

6. FOR ALL NON LOW-MELT IMPORTS OF CERTAIN POLYESTER STAPLE FIBER FROM KOREA, CUSTOMS SHALL CONTINUE TO SUSPEND LIQUIDATION OF SUCH SHIPMENTS (EXCEPT FOR MERCHANDISE PRODUCED AND SOLD BY SAMYANG CORPORATION LTD. ("SAMYANG") (CUSTOMS ID A-580-839-001)) THAT ARE ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER NOVEMBER 8, 1999.

7. ON MARCH 31, APRIL 4 AND APRIL 5, 2000, PETITIONERS AND RESPONDENTS IN THIS INVESTIGATION ALLEGED THAT THE DEPARTMENT MADE CERTAIN MINISTERIAL ERRORS IN ITS FINAL DETERMINATION CALCULATIONS. COMMERCE HAS REVIEWED ITS CALCULATIONS AND FOUND THAT A MINISTERIAL ERROR WAS MADE WITH RESPECT TO SAM YOUNG SYNTHETICS AND, CONSEQUENTLY, THE ALL-OTHERS RATE.

ACCORDINGLY, EFFECTIVE MAY 25, 2000, FOR ENTRIES FOR THE FOLLOWING FIRMS, CUSTOMS SHALL REQUIRE A CASH DEPOSIT EQUAL TO THE REVISED MARGINS SHOWN BELOW:

MFR/PRODUCER	REVISED CUSTOMS ID	MARGIN PERCENTAGE
SAM YOUNG SYNTHETICS LTD.	A-580-839-002	7.91
GEUM POONG	A-580-839-003	14.10

CORPORATION LTD.

ALL OTHERS A-580-839-000 11.35

(EXCEPT SAMYANG)

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT CRAIG MATNEY, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-1778.

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party